

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

NAZ, LLC AND SHAMSNIA NEUROLOGY, LLC*	NUMBER:
	*
VERSUS	JUDGE:
	*
	*
MT. HAWLEY INSURANCE COMPANY,	MAGISTRATE:
a division of RLI	*
and HSB SPECIALTY INSURANCE COMPANY *	*
	*
*****	*

DEFENDANTS' NOTICE OF REMOVAL

Defendants Mt. Hawley Insurance Company and HSB Specialty Insurance Company (“Defendants”) file this Notice of Removal of this action from the 24th Judicial District Court for the Parish of Jefferson to the United States District Court for the Eastern District of Louisiana, the district and division in which the 24th Judicial District is located. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446. In support hereof, Mt. Hawley respectfully shows this Court as follows:

1. On September 6, 2022, Plaintiffs NAZ, LLC and Shamsnia Neurology, LLC (“Plaintiffs”) commenced an action against Defendants in the 24th Judicial District Court for the Parish of Jefferson, Louisiana, entitled *NAZ, LLC and Shamsnia Neurology, LLC v. Mt. Hawley Insurance Company, a division of RLI and HSB Specialty Insurance Company*, pending as Docket No. 832-398 Div: “E” (the “State Court Case”).

2. On October 5, 2022, a copy of the Petition for Damages in the State Court Case (“Petition”) was served on the Louisiana Secretary of State, and a copy of the Petition was received by Defendant Mt. Hawley on October 12, 2022. As such, removal is timely because thirty (30) days have not elapsed since the Petition was served and Mt. Hawley first received Plaintiff’s Petition, as required by 28 U.S.C. § 1446(b).

3. In accordance with 28 U.S.C. § 1446(d), a copy of the Notice to the Clerk of Court for the 24th Judicial District Court for the Parish of Jefferson, which is being filed in that court, is attached hereto as **Exhibit A**. Additionally, a copy of this Notice of Removal is being contemporaneously served on Plaintiffs.

Ground for Removal: Diversity

4. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332, in that this is a civil action where the matter in controversy exceeds \$75,000 and is between citizens of different States.

A. The amount in controversy exceeds the federal minimum jurisdictional requirements.

5. Plaintiffs' Petition in the State Court Case contends that they suffered a loss caused by Hurricane Ida to "MRI equipment as well as significant damage to the chillers and other structures and technical support equipment" covered under its commercial property policy issued by Defendant Mt. Hawley, Policy No. MCP0171034 (the "Mt. Hawley Policy") and under their "policy of insurance number 1004916" provided by Defendant HSB (the "Alleged HSB Policy"). *See* Petition, attached hereto as **Exhibit B**, at ¶¶ 4-5, 8. Plaintiffs' Petition further alleges that amounts are due under the Mt. Hawley Policy and Alleged HSB Policy for unpaid damages caused by Hurricane Ida "including amounts above that listed in the proof of loss to repair and replace damage to the MRI and chillers and all amounts for loss of use and other expenses and relevant coverages less any applicable deductible." *Id.* ¶¶ 14-15. Plaintiffs submitted two pre-suit estimates of these damage to Defendant Mt. Hawley in the amount \$206,900.00, and then an additional estimate of \$28,408.26. Plaintiff also submitted a pre-suit signed proof of loss for a net amount of \$124,850. These estimates and signed proof of loss are attached hereto as **Exhibit C**. Finally, Plaintiffs seek to recover attorney's fees, statutory

damages, loss of use damages, and mental anguish in addition to the amount allegedly owed by Defendants for allegedly breaching the insurance policies listed above. **Exhibit B ¶¶ 20-23.**

6. For all of these reasons, the amount in dispute exceeds \$75,000, exclusive of interest and costs.

B. There is complete diversity between Plaintiffs and All Properly Joined Defendants.

7. For purposes of determining diversity, a corporation is a citizen of every State by which it is incorporated and of the State where it has its principal place of business. 28 USC § 1332(c)(1).

8. Plaintiffs are both limited liability companies whose sole members are Dr. Morteza Shamsnia and Simin Mirtaheri, both of whom are citizens of the State of Louisiana. Thus, Plaintiffs are citizens of the State of Louisiana, and not citizens of the State of Illinois or State of Connecticut.

9. Defendant Mt. Hawley is a corporation incorporated in the State of Illinois, with its principal place of business in Illinois. Accordingly, Mt. Hawley is a citizen of the State of Illinois for purposes of determining diversity jurisdiction, and Mt. Hawley is not a citizen of the State of Louisiana.

10. Defendant HSB Specialty Insurance Company is a corporation incorporated in the State of Connecticut with its principal place of business in the State of Connecticut.

11. Complete diversity exists in this case and removal is proper because Plaintiff is a citizen of Louisiana, Defendant Mt. Hawley is a citizen of Illinois, and Defendant HSB is a citizen of Connecticut.

REMOVAL PROCEDURE

12. A copy of this notice of removal is being served upon all known counsel of record in accordance with 28 U.S.C. § 1446(d).

13. The listing required pursuant to 28 U.S.C. § 1447 (b) is filed herewith as **Exhibit “D.”**

14. In accordance with 28 U.S.C. § 1446(a), attached as **Exhibit “D-1”** is a true and complete copy of the record *NAZ, LLC and Shamsnia Neurology, LLC v. Mt. Hawley Insurance Company, a division of RLI and HSB Specialty Insurance Company*, Case No. 832-398, Division “E,” on the docket of the 24th Judicial District Court for the Parish of Jefferson, Louisiana.

WHEREFORE, Defendants Mt. Hawley Insurance Company and HSB Specialty Insurance Company hereby provide notice that this action is duly removed.

Respectfully submitted,

/s/ Abigail F. Gerrity

Seth A. Schmeeckle, #27076

Abigail F. Gerrity, #35777

LUGENBUHL, WHEATON, PECK, RANKIN &
HUBBARD

601 Poydras Street, Suite 2775

New Orleans, LA 70130

504-568-1990

504-310-9195 (fax)

sschmeeckle@lawla.com

agerrity@lawla.com

and

Greg K. Winslett (*pro hac vice* motion to be filed)

QUILLING SELANDER LOWNDS

WINSLETT & MOSER PC

2001 Bryan Street, Suite 1800

Dallas, Texas 75201

(214) 871-2100

(214) 871-2111 (Fax)

gwinslett@qslwm.com

**ATTORNEYS FOR MT. HAWLEY
INSURANCE COMPANY AND HSB
SPECIALTY INSURANCE COMPANY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing instrument is being served in accordance with the Federal Rules of Civil Procedure, on this 4th day of November 2022, as follows:

Robert G. Harvey, Sr., #18615
Hannon Vey LaPlace, #33934
600 North Carrollton Avenue
New Orleans, Louisiana 70119
(504) 822-2136
(504) 822-2179 (Fax)
rgharvey@bellsouth.net
hvlaplace@gmail.com

/s/ Abigail F. Gerrity
Abigail F. Gerrity